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6 **UNITED STATES BANKRUPTCY COURT**  
7 **DISTRICT OF NEVADA**

8 In re: Bankruptcy Case No. 24-10355-nmc  
9 PIGEONLY INC, Chapter 11  
10 Debtor.  
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19 **APPLICATION FOR COMPENSATION OF SUBCHAPTER V TRUSTEE**

20 Nathan F. Smith, the Subchapter V Trustee in the above and entitled Chapter 11 proceeding,  
21 hereby submits his application for compensation as the Subchapter V Trustee (“Application”). This  
22 application is based on the Memorandum of Points and Authorities, filed herewith, the Declaration  
23 of Nathan F. Smith in support of it, and upon any argument that may be presented at a hearing on  
24 this Application.

25 DATED: November 7, 2024 Respectfully Submitted,

26 /s/ Nathan F. Smith  
27 NATHAN F. SMITH  
Subchapter V Trustee  
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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **I.**

3                   **FACTS**

4                 1. On January 26, 2024, Debtor filed its petition under Subchapter V of Chapter 11 of  
 5 Title 11 of the United States Code. *See* Docket Entry (“DE”) 1.

6                 2. On January 29, 2024, Nathan F. Smith (“Trustee”) was appointed as the Subchapter V  
 7 Trustee. Trustee accepted his appointment and disclosed his hourly rate of \$550 that same day. *See*  
 8 DE 8.

9                 3. On January 26, 2024, Debtor filed its sworn Schedules and Statement of Financial  
 10 Affairs. *See* DE 1.

11                 4. On February 21, 2024, the Initial Debtor Interview (“IDI”) was held and concluded.

12                 5. On April 25, 2024, Debtor timely filed its Chapter 11 Plan. Debtor filed a Motion for  
 13 Approval of confirmation procedures that same day. *See* DE 71 and 72, respectively.

14                 6. The 11 U.S.C. § 341(a)<sup>1</sup> meeting of creditors was held on February 28, 2024, March  
 15 21, 204, and ultimately concluded on April 11, 2024. *See* DE 3 and 49.

16                 7. Debtor has filed monthly operating reports for the months of February, 2024 through  
 17 September, 2024. *See* DE 66, 67, 83, 86, 94, 101, 112, and 130.

18                 8. Debtor filed a Status Report on March 15, 2024. *See* DE 33.

19                 9. A status hearing was held on March 19, 2024. *See* DE 9.

20                 10. A confirmation hearing was held on September 11, 2024 and an order confirming  
 21 Debtor’s plan was entered on October 8, 2024. *See* DE 121.

22                 11. On October 30, 2024, Debtor filed a Notice of the Effective Date of the Plan. *See* DE  
 23 148.

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28                 <sup>1</sup> Unless otherwise indicated, all statutory references herein pertain to Title 11 of the United States Code and the Federal  
 Rules of Bankruptcy Procedure.

II.

## **LEGAL AUTHORITY**

Pursuant to § 1183, the Office of the United States Trustee shall appoint one disinterested person to serve as a trustee in a case pending under Subchapter V.

Section § 1183(b) provides that a Subchapter V trustee shall:

“(1) perform the duties specified in paragraphs (2), (5), (6), (7), and (9) of section 704(a) of this title;

(2) perform the duties specified in paragraphs (3), (4), and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;

(3) appear and be heard at the status conference under section 1188 of this title and any hearing that concerns--

(A) the value of property subject to a lien;

(B) confirmation of a plan filed under this subchapter;

(C) modification of the plan after confirmation; or

(D) the sale of property of the estate;

(4) ensure that the debtor commences making timely payments required by a plan confirmed under this subchapter;

(5) if the debtor ceases to be a debtor in possession--

(A) perform the duties specified in section 704(a)(8) and paragraphs (1), (2), and (6) of section 1106(a) of this title; and

(B) be authorized to operate the business of the debtor;

(6) if there is a claim for a domestic support obligation with respect to the debtor, perform the duties specified in section 704(c) of this title; and

(7) facilitate the development of a consensual plan of reorganization.

11 U.S.C. § 1183.

Section 330(a)(1) provides, in pertinent part, that: “[a]fter notice to the parties in interest and the United States Trustee and a hearing, and subject to sections 326, 328, and 329, the court may award to a trustee... (A) reasonable compensation for actual, necessary services rendered by the trustee... and (B) reimbursement for actual, necessary expenses.”

Trustee was appointed by the Office of the United States Trustee on September 9, 2022 and has complied with his obligations under Title 11. The services performed by Trustee in this case include, but are not limited to, the following:

- a. Review and analysis of Debtor's Petition and Schedules;

- 1        b.      Review and analysis of Debtor's disclosures in connection with the Initial Debtor  
2                  Interview;
- 3        c.      Appearance at the Initial Debtor Interview;
- 4        d.      Appearance at the meetings of creditors;
- 5        e.      Appearance at the status conference;
- 6        f.      Communications with Debtor's counsel regarding Debtor's case;
- 7        g.      Review and analysis of the claims against Debtor's Estate;
- 8        h.      Review and analysis of Debtor's monthly operating reports;
- 9        i.      Review and analysis of Debtor's Application to Employ Counsel;
- 10      j.      Review and analysis of Debtor's Motion for an Order Authorizing the Use of Cash  
11                  Collateral;
- 12      k.      Review and analysis of the Plan and amendments thereto;
- 13      l.      Review and analysis of the ballot summary, brief, and supplements in support of  
14                  confirmation;
- 15      m.     Appearance at the confirmation hearings; and
- 16      n.     Preparation of this Application, Cover Sheet, and the Declaration in support of this  
17                  Application.

18                  Trustee was appointed as the Subchapter V Trustee on January 29, 2024 and incurred 18.3  
19                  hours at an hourly rate of \$550 (1.1 of which were at no charge) in connection with the foregoing,  
20                  for a total of \$9,460 in fees and \$0 in costs. *See* Declaration of Nathan F. Smith and Exhibit "1,"  
21                  thereto, filed concurrently herewith.

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III.

## **CONCLUSION**

Based on the foregoing, Trustee respectfully requests that the Court approve the requested compensation, in the amount of \$9,460, which shall be paid to Trustee in accordance with the confirmed Plan.

DATED: November 7, 2024

Respectfully Submitted,

/s/ Nathan F. Smith

NATHAN F. SMITH

### *Subchapter V Trustee*